

**CHEE & MARKHAM**  
ATTORNEYS AT LAW

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Attorneys for Limitation Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SHIROH FUKUOKA,	)	CIVIL NO. 04-00588 SOM-BMK
	)	
Plaintiff,	)	<b>LIMITATION PLAINTIFF'S</b>
	)	<b>MOTION TO COMPEL</b>
Vs.	)	<b>DISCOVERY; CERTIFICATE OF</b>
	)	<b>SERVICE</b>
MORNING STAR CRUISES, INC.,	)	
et al.,	)	
	)	
Defendant.	)	
_____	)	

**LIMITATION PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

COMES NOW Limitation Plaintiff by and through its attorneys, the Law Firm of Chee & Markham, and hereby moves this Honorable Court, for an order compelling Limitation Defendants to produce in the full, documents previously requested and served on Limitation Defendants.

This motion is made pursuant to Rules 7 and 37 of the Federal Rules of Civil Procedure. In support of its motion Limitation Plaintiff states:

1. Limitation Plaintiff served its first request for production of documents and answers to interrogatories to Limitation Defendants on March 26, 2004.
2. Defendant failed to answer within 30 days.
3. Limitation Plaintiff sent letters to Limitation Defendants requesting response to its discovery requests on May 28, 2004, October 11, 2004, November 30, 2004, February 16, 2005 and November 2, 2005 in addition to numerous phone calls.
4. To this date, Limitation Defendants have not responded to Limitation Plaintiff's discovery request although Limitation Plaintiff has requested by telephone and letter that Limitation Defendant respond.

WHEREFORE, Limitation Plaintiff requests the court to order Limitation Defendants respond to Limitation Plaintiff's Request for Answers to Interrogatories and Request for Production of Documents within 10 days and award reasonable expenses, including attorney's fees, incurred by Limitation Plaintiff as a result of this motion.

Dated: Honolulu, Hawaii, April 19, 2006.

/s/ Desiree Hikida Mokuohai  
for Keith K. Kato

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**GREGORY K. MARKHAM**  
**KEITH K. KATO**  
**DESIREE HIKIDA MOKUOHAI**

Attorneys for Limitation Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that, on the dates and by the methods of services noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served by hand-delivery:

**ROBERT D. KAWAMURA, ESQ.**  
550 Halekauwila Street., Suite 106  
Honolulu, Hawaii 96813

April 19, 2006

Attorney for Limitation Defendants

DATED: Honolulu, Hawaii, April 19, 2006

/s/ Desiree Hikida Mokuohai  
for Keith K. Kato

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**GREGORY K. MARKHAM**  
**KEITH K. KATO**  
**DESIREE HIKIDA MOKUOHAI**

Attorneys for Limitation Plaintiff